



WA Pickel Up Rule

August 5, 1994

WA 7152
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8/5/94

MEMORANDUM

From: Kevin Schanilec, RCRA Compliance Section

To: Ted Yackulic, ORC

Subject: Receipt of Non-hazardous Waste/Delay of Closure at NWES

The following outlines the requirements of 265.113 (d)-(e) that NWES would have to meet in order to delay closure and continue to manage non-hazardous waste in units being closed pursuant to 1092-08-07-3008(a). The following is considered a non-binding draft, as the specific conditions for each unit will not be available until the final delay determination is made is made by Ecology and/or EPA.

265.113(d)(1) - Submission of an amended Part B: this could be satisfied by submitting amendments to the current Part B application which cover the requirements below. Should the units be closed prior to an operating permit being issued, the amendments could then be withdrawn without the actual Part B application being permanently altered. While both sides recognize that permitting of these units is not intended, the Part B amendment must nevertheless be submitted.

265.113(d)(1)(i) - Design Capacity: this would require NWES to demonstrate that the unit continues to have the design capacity that it had previous to partial closure activities. Assuming that cleaning operations do not damage the structure, and that the holes used to draw cores samples are resealed, this should not pose an obstacle.

265.113(d)(1)(ii) - Receipt of non-hazardous waste within a year: this would require NWES to demonstrate that non-hazardous waste will be received at the unit within one year. Since treatment operations will continue until the new treatment plant is completed, this should not pose an obstacle.

265.113(d)(1)(iii) - Compatibility of non-hazardous wastes: this would require NWES to demonstrate that the non-hazardous wastes to be received until closure would be compatible with the unit's construction. Because the waste streams are not anticipated to be different than those being managed now, this should pose no obstacle. This would be tied to the WAP revision (below).

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265.113(d)(1)(iv) - Closure being incompatible with facility operation: this would require a short explanation that the unit or units is/are vital to facility operations, and that no other option exists for these use requirements.

265.113(d)(1)(v) - Interim status requirements: this would require a listing of interim status requirements which, among others, must be complied with during the closure delay period. These would include Subparts F, G, and H, inspections, etc.

265.113(d)(2) - Revision of plans

- a. WAP - must be revised to ensure that non-compatible wastes are not introduced into the unit(s)
- b. GW Plan - must be revised to meet the requirements of 270.14(c) for non-hazardous wastes placed in the unit(s) involved. For the PST, this would likely be coordinated with the contingent closure plan. A description of the aquifer must be done prior to accepting wastes, and so the timing of sinking the wells would be crucial.
- c. Exposure assessment - must account for the hazardous constituents in the non-hazardous wastes, including the effect that continued management of non-hazardous waste will have on the mobility of the hazardous constituents remaining in the units. This would augment the assessment already done per 270.10(j)
- d. Subparts G and H - these should be the same as the amended G and H documents required in the CACO, and so no additional work is envisioned.

265.113(d)(3) - Accounting for non-hazardous waste management: per the proposed rule preamble (6/6/88, p. 20748), this would require revisions to the Part B to reflect the unit(s) being considered HWMUs. Information not already required above would include a description of how the non-hazardous waste will be managed per 270.17(a), 270.21(a), and 270.13(h)(i), as well as revisions to the facility's contingency plan to account for the presence of an additional HWMU.

265.113(d)(4) - Submission time lines: for purposes of this CACO, the submission time requirement would be considered analogous to the promulgation of a new rule, and so the entire demonstration package would be due 90 days after the effective date of the CACO. Note that, should NWES determine that clean closure is not practicable before the 90 day deadline, the demonstration package would have to be already approved prior to allow management of non-hazardous wastes.

265.113(e)(1)(i) - Contingent corrective measures plan: this would be tied to the amended GW monitoring and response program in (d)(2) above. The contents of this plan would follow the guidelines set forth in the 8/14/89 preamble, namely:

- a description of the constituents remaining in the units(s)
- the hydrogeologic conditions at the site
- location of current and proposed GW wells
- survey of available remedial technologies
- description of possible release scenarios
- likely contaminants of concern
- what constitutes a statistically significant release requiring corrective measures (see section (e)(4))
- immediate actions to be taken upon detection of a release
- plan for performing a detailed evaluation of the release
- range and type of corrective measures to be used
- analysis of whether continued use of the unit would impede corrective measures

These would require a level of detail such that the occurrence of a release would quickly be known, interim mitigation and corrective action would be implemented immediately, and full characterization and corrective measure would be set in place.

265.113(e)(1)(ii), (2), & (3) - Removal of hazardous wastes: this would likely be a reiteration of the clean-out methods used in the closure plan, and a demonstration that NWES had removed the HW constituents to the extent practicable within 90 days of the approval of the closure plan.

The remainder of 265.113(e) involves requirements contingent upon a release being detected or other conditions that would alter the ability of the unit to continue to accept waste.